

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIEL E. VAHEY,

Plaintiff,

vs.

**SAFE ENVIRONMENT
BUSINESS SOLUTIONS,**

Defendant.

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Case No. 4:16-cv-02149-NCC

ORDER

This matter is before the Court on Defendant Safe Environment Business Solutions’ (“SEB Solutions”) Motion for Leave to File Responsive Pleading Out of Time (Doc.11). Plaintiff has not responded and the time to do so has elapsed. E.D. Mo. L.R. 4.01. Therefore, the Motion is ready for disposition. For the following reasons, Defendant’s Motion will be **GRANTED**.

On March 22, 2017, *pro se* Plaintiff filed a Motion for Default Judgment against Defendant. However, the record did not reflect either an entry of default against Defendant or a request for such an entry. Accordingly, the Court directed Plaintiff to file a Motion for Clerk’s Entry of Default by May 1, 2017. On April 28, 2017, Defendant filed the current Motion requesting an additional fourteen (14) days to file a responsive pleading. In support of its Motion, Defendant asserts that Plaintiff was not employed by the named Defendant but, instead, employed by S.E.B. Services of New York (“S.E.B. Services”)¹ (Doc. 12 at 2 n.3). Therefore, although service appears to have been properly effected on SEB Solutions, Defendant argues that it spent a significant amount of time trying to connect the instant lawsuit with an active

employing agency. While Defendant's Motion was pending, Plaintiff filed a Motion for Clerk's Entry of Default (Doc. 13), and the Clerk of Court granted Plaintiff's Motion and entered Default as to Defendant (Doc. 15).

For good cause shown,

IT IS HEREBY ORDERED that Defendant Safe Environment Business Solutions' Motion for Leave to File Responsive Pleading Out of Time (Doc.11) is **GRANTED**. Defendant shall answer or otherwise respond to Plaintiff's Complaint within fourteen (14) days of the date of this Order.

IT IS FURTHER ORDERED that, in light of the Court's decision to grant Defendant's an extension of time to file its responsive pleading, the Clerk's Entry of Default (Doc. 15) is **VACATED**, Plaintiff's Motion for Default Judgment (Doc. 8) is **DENIED, as moot**, and Defendant's Motion to Set-Aside and for Leave to File Responsive Pleading Out of Time (Doc. 16) is **DENIED, as moot**.

Dated this 23rd day of May, 2017.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE

¹ Defendant does not explain the relationship between S.E.B. Services and SEB Solutions.